

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

JEFFREY TODD ATCHISON,

Case No. 6:17-cv-01820-JR

Plaintiff,

**TEMPORARY
RESTRAINING ORDER**

vs.

CALIBER HOME LOANS,

Defendant.

AIKEN, District Judge:

On November 14, 2017, pro se plaintiff Jeffrey Atchison initiated this action against defendant Caliber Home Loans. He now moves to proceed *in forma pauperis* and for a temporary restraining order preventing the public auction of his home, located at 7651 S.W. Canal Blvd. in Redmond, Oregon, at 10:00 a.m. on November 15, 2017. Plaintiff, who resides in the home, alleges that defendant failed to provide a pay-off quote so as to allow “an investor . . . to pay [the] mortgage current and get the loan re-instated.” Compl. pg. 5 (doc. 2).

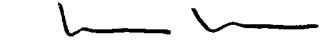
Pursuant to Fed. R. Civ. P. 65(b), and upon review of the Complaint, the Court finds plaintiff has raised serious questions with respect to the merits of his claim and will likely suffer irreparable harm if the auction is completed. The balance of hardships tips in plaintiff's favor given that defendant will have the opportunity to establish the legality of the foreclosure in this action. The Court also finds the underlying legal issues cannot be resolved before defendant is noticed or the auction is scheduled to occur, and that the issuance of the temporary restraining order is in the public interest. Finally, no security shall be required to support issuance of this order pursuant to Fed. R. Civ. P. 65(c).

Accordingly, IT IS HEREBY ORDERED that plaintiff's Application for Leave to Proceed in Forma Pauperis (doc. 1) is GRANTED. Further, plaintiff's Motion for Temporary Restraining Order (doc. 3) is GRANTED and a temporary restraining order is hereby entered. Pursuant to Fed. R. Civ. P. 65(d), defendant, along with its officers, agents, employees, attorneys, and other persons in active concert or participation with defendant, are RESTRAINED and ENJOINED from taking any action to auction or foreclose upon the property located at 7651 S.W. Canal Blvd. in Redmond, Oregon.

If defendant objects to extension of the restraining order beyond the 14-day time limit under Fed. R. Civ. P. 65(b)(2), defendant shall inform the Court and a telephonic hearing shall be scheduled to show cause why the restraining order should not continue during the pendency of this action.

IT IS SO ORDERED.

Dated this 27 day of November 2017.


Michael J. McShane
United States District Judge
For Aiken